

# EXHIBIT E

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Attorneys for Specially Appearing Defendant  
PROTON MANAGEMENT LTD.

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

ELECTRIC SOLIDUS, INC. d/b/a  
SWAN BITCOIN, a Delaware  
corporation,

Plaintiff,

v.

PROTON MANAGEMENT LTD., a  
British Virgin Islands corporation;  
THOMAS PATRICK FURLONG;  
ILIOS CORP., a California corporation;  
MICHAEL ALEXANDER HOLMES;  
RAFAEL DIAS MONTELEONE;  
SANTHIRAN NAIDOO; ENRIQUE  
ROMUALDEZ; and LUCAS  
VASCONCELOS,

Defendants.

Case No. 2:24-cv-08280-MWC-E

**SPECIALLY APPEARING  
DEFENDANT PROTON  
MANAGEMENT LTD'S  
RESPONSES AND OBJECTIONS  
TO PLAINTIFF'S FIRST  
TARGETED INTERROGATORIES**

Am. Complaint filed: January 27, 2025

1 PROPOUNDING PARTY: Plaintiff ELECTRONIC SOLIDUS, INC. d/b/a SWAN  
2 BITCOIN

3 RESPONDING PARTY: Defendant PROTON MANAGEMENT LTD.

4 SET NO.: One (1)

5 Pursuant to Federal Rule of Civil Procedure 33, Specially Appearing  
6 Defendant PROTON MANAGEMENT LTD. (“Responding Party”) submits these  
7 responses and objections to the First Set of Targeted Interrogatories  
8 (“Interrogatories”) propounded by Plaintiff ELECTRONIC SOLIDUS, INC. d/b/a  
9 SWAN BITCOIN (“Propounding Party”).

10 **PRELIMINARY STATEMENT**

11 The following responses are made solely for the purpose of, and in relation to,  
12 the Action. Each response is provided subject to all appropriate objections  
13 (including, without limitation, objections concerning competency, relevancy,  
14 materiality, propriety, and admissibility) that would require the exclusion of any  
15 statement contained herein if the statement were made by a witness present and  
16 testifying in court. All such objections and grounds therefor are reserved and may  
17 be interposed at the time of trial.

18 The following responses to the Interrogatories are based upon the facts and  
19 information presently known and available to Responding Party. Discovery,  
20 investigation, research, and analysis are still ongoing in this case and may disclose  
21 the existence of additional facts, add meaning to known facts, establish entirely new  
22 factual or legal contentions, or possibly lead to additions, variations, or changes to  
23 these responses. Without obligating itself to do so, Responding Party reserves the  
24 right to change or supplement these responses as additional facts are discovered,  
25 revealed, recalled, or otherwise ascertained, and as further analysis and research  
26 disclose additional facts, contentions, or legal theories which may apply.

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**GENERAL OBJECTIONS TO INTERROGATORIES**

1  
2 1. Responding Party objects to the Interrogatories as premature because  
3 the Court lacks personal jurisdiction over Proton, and Proton has filed a Motion to  
4 Dismiss Swan’s Amended Complaint under Rule 12(b)(2) for lack of personal  
5 jurisdiction. (Dkt. 121.) Discovery is improper and should be stayed where a party  
6 is challenging a court’s jurisdiction. See, e.g., *Stussy, Inc. v. Shein*, No. 8:22-cv-  
7 00379-CJC-KESx, 2022 U.S. Dist. LEXIS 219209, at \*18 (C.D. Cal., Sept. 23,  
8 2022) (denying motion to compel discovery and ordering stay pending court’s ruling  
9 on Rule 12 motion for lack of personal jurisdiction); *Cooper v. Shoei Safety Helmet*  
10 *Corp.*, No. 2:17-CV-03129-JAD-EJY, 2019 U.S. Dist. LEXIS 215343, at \*6-7 (D.  
11 Nev. Dec. 9, 2019) (same); *Canter & Assocs., LLC v. Teachscape, Inc.*, No. C 07-  
12 3225 RS, 2008 WL 191978, at \*1, n. 2 (N.D. Cal. Jan. 22, 2008) (denying motion to  
13 compel and stating defendant challenging court’s subject matter jurisdiction was  
14 within its rights to object); *United States v. Dynamic Medical Systems, LLC*, No.  
15 1:17-cv-01757-NONE-SAB, 2020 U.S. Dist. LEXIS 99338, at \*3-4, 19 (granting  
16 defendant’s motion to stay discovery pending motion to dismiss); *PlayUp, Inc. v.*  
17 *Mintas*, 635 F. Supp 3d 1087 (D. Nev. 2022) (“a personal jurisdiction challenge  
18 generally favors a stay of discovery”).

19 2. Responding Party objects to the Interrogatories in their entirety, and to  
20 each individual interrogatory therein, on the grounds that they were not properly  
21 served. Responding Party received the Interrogatories as a redacted attachment to  
22 the Joint 26(f) Report (Dkt. 115-2). The Interrogatories were not “served via  
23 electronic mail to counsel for Defendants” as stated in the Certificate of Service  
24 attached to the Interrogatories.

25 3. Responding Party objects to the Interrogatories in their entirety, and to  
26 each interrogatory therein, on the grounds that Propounding Party has failed to  
27 comply with Cal. Civ. Proc. Code § 2019.210, which requires Propounding Party to  
28 identify with reasonable particularity the trade secrets it alleges that any defendant

1 misappropriated before commencing discovery, as required by Section H of the  
2 Court's Scheduling Order (Dkt. 95).

3 4. Responding Party objects to the Interrogatories in their entirety, and to  
4 each individual interrogatory therein, to the extent that they purport to require  
5 Responding Party to provide information concerning persons or entities other than  
6 Responding Party, on the grounds that the Interrogatories, to that extent, are  
7 overbroad and seek information that is neither relevant to the subject matter of this  
8 Action nor reasonably calculated to lead to the discovery of admissible evidence, or  
9 if relevant, so remote therefrom as to make their disclosure of little or no practical  
10 benefit to Plaintiff, while placing an unwarranted and extreme burden and expense  
11 on Responding Party in ascertaining, gathering and providing such information.

12 5. Responding Party objects to the Interrogatories in their entirety and to  
13 each individual interrogatory therein, to the extent that they seek information that is  
14 not relevant and does not appear reasonably calculated to lead to the discovery of  
15 admissible evidence.

16 6. Responding Party objects to the Interrogatories in their entirety and to  
17 each individual interrogatory therein, to the extent that they purport to require  
18 Responding Party to provide information that is not within its possession, custody,  
19 or control.

20 7. Responding Party objects to the Interrogatories in their entirety, and to  
21 each individual interrogatory therein, to the extent they purport to require  
22 Responding Party to provide information that has already been provided by parties  
23 in this Action, or that could be provided by parties to this Action, or non-parties.

24 8. Responding Party objects to the Interrogatories in their entirety and to  
25 each individual interrogatory therein, to the extent that they are vague, ambiguous,  
26 and/or overbroad.

27 9. Responding Party objects to the Interrogatories in their entirety and to  
28 each individual interrogatory therein, to the extent that they purport to require

1 Responding Party to provide confidential business, financial, proprietary, or  
2 sensitive information.

3 10. Responding Party objects to the Interrogatories in their entirety, and to  
4 each individual interrogatory therein, to the extent they seek information prepared in  
5 anticipation of, or in connection with this Action, or information protected from  
6 disclosure by the attorney-client privilege, the attorney work-product doctrine, or  
7 any other applicable privilege against disclosure.

8 11. Responding Party objects to the Definitions set forth in the  
9 Interrogatories to the extent that such definitions purport to impose requirements on  
10 Responding Party which differ from those set forth set forth in the Code of Civil  
11 Procedure.

12 12. Responding Party objects to the Definitions set forth in the  
13 Interrogatories to the extent that the definitions of the stated terms or phrases  
14 assume facts not in evidence or otherwise improperly or incorrectly define the stated  
15 terms or phrases.

16 13. The foregoing General Objections are, and shall be deemed to be,  
17 incorporated in full into each specific Interrogatory Response set forth below.

18 **OBJECTIONS TO DEFINITIONS**

19 1. Responding Party objects to the definition of “Communication” as  
20 overly broad, unduly burdensome, vague, ambiguous and unintelligible to the extent  
21 it includes “whether or not the Communication was ever disclosed, sent, or  
22 transmitted.” For purposes of responding to the Interrogatories, Responding Party will  
23 exclude the portion noted above from the definition of “Communications” in the  
24 Interrogatories, and interpret the otherwise overbroad definition not to impose a  
25 burden beyond what is required by the Federal Rules of Civil Procedure, the Federal  
26 Rules of Evidence, and the Local Civil Rules of the U.S. District Court for the Central  
27 District of California.

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1           2.     Responding Party objects to the definition of “Defendant” and  
2 “Defendants” as overly broad, unduly burdensome, vague, ambiguous and  
3 unintelligible to the extent that it includes Responding Party’s “members, employees,  
4 representatives, officers, directors, managers, agents, attorneys, assigns, predecessors,  
5 affiliates, parents, subsidiaries, and any other entities or Persons acting or purporting  
6 to act on their behalf.” For purposes of responding to the Interrogatories, Responding  
7 Party will interpret “Defendant” and “Defendants” as referring to the named  
8 Defendants.

9           3.     Responding Party object to the definition of “You”, “Your”, “Yourself”,  
10 or “Proton” as overly broad, unduly burdensome, vague, ambiguous and  
11 unintelligible to the extent that it includes “any of its members, employees,  
12 representatives, officers, directors, managers, agents, attorneys, assigns, predecessors,  
13 affiliates, parents, subsidiaries, and any other entities or Persons acting or purporting  
14 to act on its behalf.” For purposes of responding to the Interrogatories, Responding  
15 Party will interpret “Proton” as referring to Defendant Proton Management Ltd.

16           4.     Individual Defendants object to the definition of “Individual  
17 Defendants” as overly broad, unduly burdensome, vague, ambiguous and  
18 unintelligible to the extent that it includes “any of their members, employees,  
19 representatives, officers, directors, managers, agents, attorneys, assigns, predecessors,  
20 affiliates, parents, subsidiaries, and any other entities or Persons acting or purporting  
21 to act on their behalf.” For purposes of responding to the Interrogatories, Responding  
22 Party will interpret “Individual Defendants” as referring to the Individual Defendants.

23           5.     Responding Party objects to the definition of “Tether” and “Defendants”  
24 as overly broad, unduly burdensome, vague, ambiguous and unintelligible to the  
25 extent that it includes entities or individuals other than Tether Investments, Limited.  
26 For purposes of responding to the Interrogatories, Responding Party will interpret  
27 “Tether” as referring to the named Tether Investment Limit.

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**RESPONSES TO INTERROGATORIES**

**INTERROGATORY NO. 1:**

From the time period beginning August 2, 2024 through present, identify all Bitcoin wallets to which Proton has deposited mined Bitcoin and the amounts deposited, including:

- a) each wallet address to which mined Bitcoin has been deposited and the individuals with access to or control over each wallet; and
- b) the amount of Bitcoin deposited in each wallet, and when deposited.

For the avoidance of doubt, this includes the Bitcoin wallets referenced in paragraphs 183-185 of the Amended Complaint, as well as any Bitcoin wallets to which Proton has redirected the proceeds from the wallets described in those paragraphs of the Amended Complaint.

**RESPONSE TO INTERROGATORY NO. 1:**

Responding Party incorporates by references the General Objections and Objections to Definitions as if fully set forth herein. Responding Party objects to this interrogatory as premature because the Court lacks personal jurisdiction over Proton, and Proton has filed a Motion to Dismiss Swan's Amended Complaint under Rule 12(b)(2) for lack of personal jurisdiction. (Dkt. 121.) Discovery is improper and should be stayed where a party is challenging a court's jurisdiction. See, e.g., *Stussy, Inc. v. Shein*, No. 8:22-cv-00379-CJC-KESx, 2022 U.S. Dist. LEXIS 219209, at \*18 (C.D. Cal., Sept. 23, 2022) (denying motion to compel discovery and ordering stay pending court's ruling on Rule 12 motion for lack of personal jurisdiction); *Cooper v. Shoei Safety Helmet Corp.*, No. 2:17-CV-03129-JAD-EJY, 2019 U.S. Dist. LEXIS 215343, at \*6-7 (D. Nev. Dec. 9, 2019) (same); *Canter & Assocs., LLC v. Teachscape, Inc.*, No. C 07-3225 RS, 2008 WL 191978, at \*1, n. 2 (N.D. Cal. Jan. 22, 2008) (denying motion to compel and stating defendant challenging court's subject matter jurisdiction was within its rights to object); *United States v. Dynamic Medical Systems, LLC*, No. 1:17-cv-01757-NONE-SAB,



1 2020 U.S. Dist. LEXIS 99338, at \*3-4, 19 (granting defendant’s motion to stay  
2 discovery pending motion to dismiss); *PlayUp, Inc. v. Mintas*, 635 F. Supp 3d 1087  
3 (D. Nev. 2022) (“a personal jurisdiction challenge generally favors a stay of  
4 discovery”). Responding Party objects to this interrogatory to the extent that it  
5 seeks information that is protected from disclosure by the attorney-client privilege,  
6 work product doctrine, or any other applicable privilege or protection. Responding  
7 Party also objects to this interrogatory’s demand as being compound, overbroad,  
8 overly burdensome, and harassing, and as seeking documents that are not relevant to  
9 the claims or defenses in this action. Responding Party further objects to this  
10 interrogatory on the grounds that it is vague, overbroad and subjects Responding  
11 Party to unreasonable and undue burden and expense. Responding Party also  
12 objects to this interrogatory on the grounds and to the extent that it seeks  
13 information that is not in the possession, custody or control of Responding Party  
14 and/or is equally or more readily available from another source which is more  
15 convenient, less burdensome, or less expensive. Responding Party objects to this  
16 interrogatory to the extent that it is unreasonably cumulative or duplicative of other  
17 requests for production. Responding Party objects to this interrogatory to the extent  
18 that it purports to require Responding Party to produce information that contain  
19 trade secrets of Responding Party, or other confidential business, financial,  
20 proprietary, or sensitive information of Responding Party or third parties without  
21 entry of a satisfactory confidentiality order. Responding Party further objects to this  
22 interrogatory on the grounds that Propounding Party has failed to comply with Cal.  
23 Civ. Proc. Code § 2019.210, which requires Propounding Party to identify with  
24 reasonable particularity the trade secrets it alleges that any defendant  
25 misappropriated before commencing discovery, as required by Section H of the  
26 Court’s Scheduling Order (Dkt. 95).

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1 **INTERROGATORY NO. 2:**

2 Identify all Sites at which Proton has mined Bitcoin, and for each Site, describe  
3 on a weekly basis:

- 4 a) its location  
5 b) number and type of ASICs deployed;  
6 c) average hash rate;  
7 d) downtime reports;  
8 e) curtailment periods;  
9 f) operational costs;  
10 g) the amount of Bitcoin mined;  
11 h) proceeds resulting from Bitcoin mining; and  
12 i) all agreements with or relating to the Site, including any agreements  
13 or updates to agreements entered into since August 2, 2024.

14 **RESPONSE TO INTERROGATORY NO. 2:**

15 Responding Party incorporates by references the General Objections and  
16 Objections to Definitions as if fully set forth herein. Responding Party objects to  
17 this interrogatory as premature because the Court lacks personal jurisdiction over  
18 Proton, and Proton has filed a Motion to Dismiss Swan's Amended Complaint under  
19 Rule 12(b)(2) for lack of personal jurisdiction. (Dkt. 121.) Discovery is improper  
20 and should be stayed where a party is challenging a court's jurisdiction. See, e.g.,  
21 *Stussy, Inc. v. Shein*, No. 8:22-cv-00379-CJC-KESx, 2022 U.S. Dist. LEXIS  
22 219209, at \*18 (C.D. Cal., Sept. 23, 2022) (denying motion to compel discovery and  
23 ordering stay pending court's ruling on Rule 12 motion for lack of personal  
24 jurisdiction); *Cooper v. Shoei Safety Helmet Corp.*, No. 2:17-CV-03129-JAD-EJY,  
25 2019 U.S. Dist. LEXIS 215343, at \*6-7 (D. Nev. Dec. 9, 2019) (same); *Canter &*  
26 *Assocs., LLC v. Teachscape, Inc.*, No. C 07-3225 RS, 2008 WL 191978, at \*1, n. 2  
27 (N.D. Cal. Jan. 22, 2008) (denying motion to compel and stating defendant  
28 challenging court's subject matter jurisdiction was within its rights to object);

1 *United States v. Dynamic Medical Systems, LLC*, No. 1:17-cv-01757-NONE-SAB,  
2 2020 U.S. Dist. LEXIS 99338, at \*3-4, 19 (granting defendant’s motion to stay  
3 discovery pending motion to dismiss); *PlayUp, Inc. v. Mintas*, 635 F. Supp 3d 1087  
4 (D. Nev. 2022) (“a personal jurisdiction challenge generally favors a stay of  
5 discovery”). Responding Party objects to this interrogatory to the extent that it  
6 seeks information that is protected from disclosure by the attorney-client privilege,  
7 work product doctrine, or any other applicable privilege or protection. Responding  
8 Party also objects to this interrogatory’s demand as being compound, overbroad,  
9 overly burdensome, and harassing, and as seeking documents that are not relevant to  
10 the claims or defenses in this action. Responding Party further objects to this  
11 interrogatory on the grounds that it is vague, overbroad and subjects Responding  
12 Party to unreasonable and undue burden and expense. Responding Party also  
13 objects to this interrogatory on the grounds and to the extent that it seeks  
14 information that is not in the possession, custody or control of Responding Party  
15 and/or is equally or more readily available from another source which is more  
16 convenient, less burdensome, or less expensive. Responding Party objects to this  
17 interrogatory to the extent that it is unreasonably cumulative or duplicative of other  
18 requests for production. Responding Party objects to the interrogatory in its entirety  
19 and to each individual request therein, to the extent that it purports to require  
20 Responding Party to produce information that contain trade secrets of Responding  
21 Party, or other confidential business, financial, proprietary, or sensitive information  
22 of Responding Party or third parties without entry of a satisfactory confidentiality  
23 order. Responding Party objects that this Request is vague and ambiguous,  
24 including in its use of the phrase “curtailment period”, “maintain”, and “maintained.  
25 Responding Party further objects to this interrogatory on the grounds that  
26 Propounding Party has failed to comply with Cal. Civ. Proc. Code § 2019.210,  
27 which requires Propounding Party to identify with reasonable particularity the trade  
28 secrets it alleges that any defendant misappropriated before commencing discovery,

1 as required by Section H of the Court's Scheduling Order (Dkt. 95).

2 **INTERROGATORY NO. 3:**

3 Explain why [REDACTED].

4 **RESPONSE TO INTERROGATORY NO. 3:**

5 Responding Party incorporates by references the General Objections and  
6 Objections to Definitions as if fully set forth herein. Responding Party objects to  
7 this interrogatory as premature because the Court lacks personal jurisdiction over  
8 Proton, and Proton has filed a Motion to Dismiss Swan's Amended Complaint under  
9 Rule 12(b)(2) for lack of personal jurisdiction. (Dkt. 121.) Discovery is improper  
10 and should be stayed where a party is challenging a court's jurisdiction. See, e.g.,  
11 Stussy, Inc. v. Shein, No. 8:22-cv-00379-CJC-KESx, 2022 U.S. Dist. LEXIS  
12 219209, at \*18 (C.D. Cal., Sept. 23, 2022) (denying motion to compel discovery and  
13 ordering stay pending court's ruling on Rule 12 motion for lack of personal  
14 jurisdiction); Cooper v. Shoei Safety Helmet Corp., No. 2:17-CV-03129-JAD-EJY,  
15 2019 U.S. Dist. LEXIS 215343, at \*6-7 (D. Nev. Dec. 9, 2019) (same); Canter &  
16 Assocs., LLC v. Teachescape, Inc., No. C 07-3225 RS, 2008 WL 191978, at \*1, n. 2  
17 (N.D. Cal. Jan. 22, 2008) (denying motion to compel and stating defendant  
18 challenging court's subject matter jurisdiction was within its rights to object);  
19 United States v. Dynamic Medical Systems, LLC, No. 1:17-cv-01757-NONE-SAB,  
20 2020 U.S. Dist. LEXIS 99338, at \*3-4, 19 (granting defendant's motion to stay  
21 discovery pending motion to dismiss); PlayUp, Inc. v. Mintas, 635 F. Supp 3d 1087  
22 (D. Nev. 2022) ("a personal jurisdiction challenge generally favors a stay of  
23 discovery"). Responding Party further objects that this interrogatory is incomplete  
24 and unanswerable in that it Propounding Party redacted the entire substance of the  
25 interrogatory and has not served Responding Party with the unredacted  
26 interrogatory. Responding Party further objects to this interrogatory on the grounds  
27 that Propounding Party has failed to comply with Cal. Civ. Proc. Code § 2019.210,  
28 which requires Propounding Party to identify with reasonable particularity the trade

1 secrets it alleges that any defendant misappropriated before commencing discovery,  
2 as required by Section H of the Court's Scheduling Order (Dkt. 95).

3 **INTERROGATORY NO. 4:**

4 Identify and describe any management or services relating to Bitcoin mining  
5 that You have offered to any Person, including all agreements between You and each  
6 such Person. For the avoidance of doubt, this interrogatory encompasses any  
7 management or services relating to Bitcoin mining that Elektron Energy has offered  
8 to any Person, as well as agreements between Elektron Energy and each such Person.

9 **RESPONSE TO INTERROGATORY NO. 4:**

10 Responding Party incorporates by references the General Objections and  
11 Objections to Definitions as if fully set forth herein. Responding Party objects to  
12 this interrogatory as premature because the Court lacks personal jurisdiction over  
13 Proton, and Proton has filed a Motion to Dismiss Swan's Amended Complaint under  
14 Rule 12(b)(2) for lack of personal jurisdiction. (Dkt. 121.) Discovery is improper  
15 and should be stayed where a party is challenging a court's jurisdiction. See, e.g.,  
16 *Stussy, Inc. v. Shein*, No. 8:22-cv-00379-CJC-KESx, 2022 U.S. Dist. LEXIS  
17 219209, at \*18 (C.D. Cal., Sept. 23, 2022) (denying motion to compel discovery and  
18 ordering stay pending court's ruling on Rule 12 motion for lack of personal  
19 jurisdiction); *Cooper v. Shoei Safety Helmet Corp.*, No. 2:17-CV-03129-JAD-EJY,  
20 2019 U.S. Dist. LEXIS 215343, at \*6-7 (D. Nev. Dec. 9, 2019) (same); *Canter &*  
21 *Assocs., LLC v. Teachscape, Inc.*, No. C 07-3225 RS, 2008 WL 191978, at \*1, n. 2  
22 (N.D. Cal. Jan. 22, 2008) (denying motion to compel and stating defendant  
23 challenging court's subject matter jurisdiction was within its rights to object);  
24 *United States v. Dynamic Medical Systems, LLC*, No. 1:17-cv-01757-NONE-SAB,  
25 2020 U.S. Dist. LEXIS 99338, at \*3-4, 19 (granting defendant's motion to stay  
26 discovery pending motion to dismiss); *PlayUp, Inc. v. Mintas*, 635 F. Supp 3d 1087  
27 (D. Nev. 2022) ("a personal jurisdiction challenge generally favors a stay of  
28 discovery"). Responding Party objects to this interrogatory to the extent that it

1 seeks information that is protected from disclosure by the attorney-client privilege,  
2 work product doctrine, or any other applicable privilege or protection. Responding  
3 Party also objects to this interrogatory's demand as being compound, overbroad,  
4 overly burdensome, and harassing, and as seeking documents that are not relevant to  
5 the claims or defenses in this action. Responding Party further objects to this  
6 interrogatory on the grounds that it is vague, overbroad and subjects Responding  
7 Party to unreasonable and undue burden and expense. Responding Party also  
8 objects to this interrogatory on the grounds and to the extent that it seeks  
9 information that is not in the possession, custody or control of Responding Party  
10 and/or is equally or more readily available from another source which is more  
11 convenient, less burdensome, or less expensive. Responding Party objects to this  
12 interrogatory to the extent that it is unreasonably cumulative or duplicative of other  
13 requests for production. Responding Party objects to the interrogatory in its entirety  
14 and to each individual request therein, to the extent that it purports to require  
15 Responding Party to produce information that contain trade secrets of Responding  
16 Party, or other confidential business, financial, proprietary, or sensitive information  
17 of Responding Party or third parties without entry of a satisfactory confidentiality  
18 order. Responding Party further objects to this interrogatory on the grounds that  
19 Propounding Party has failed to comply with Cal. Civ. Proc. Code § 2019.210,  
20 which requires Propounding Party to identify with reasonable particularity the trade  
21 secrets it alleges that any defendant misappropriated before commencing discovery,  
22 as required by Section H of the Court's Scheduling Order (Dkt. 95).

23 **INTERROGATORY NO. 5:**

24 Describe Your relationship with Elektron Energy, including but not limited to  
25 describing Your involvement in the formation of Elektron Energy, describing Your  
26 involvement in the creation of Elektron-Energy.com, identifying any email  
27 addresses associated with Elektron Energy that You maintain or control, and  
28 identifying any GitHub accounts or repositories maintained by Elektron Energy that



1 relate to Bitcoin mining.

2 **RESPONSE TO INTERROGATORY NO. 5:**

3        Responding Party incorporates by references the General Objections and  
4 Objections to Definitions as if fully set forth herein. Responding Party objects to  
5 this interrogatory as premature because the Court lacks personal jurisdiction over  
6 Proton, and Proton has filed a Motion to Dismiss Swan’s Amended Complaint under  
7 Rule 12(b)(2) for lack of personal jurisdiction. (Dkt. 121.) Discovery is improper  
8 and should be stayed where a party is challenging a court’s jurisdiction. See, e.g.,  
9 *Stussy, Inc. v. Shein*, No. 8:22-cv-00379-CJC-KESx, 2022 U.S. Dist. LEXIS  
10 219209, at \*18 (C.D. Cal., Sept. 23, 2022) (denying motion to compel discovery and  
11 ordering stay pending court’s ruling on Rule 12 motion for lack of personal  
12 jurisdiction); *Cooper v. Shoei Safety Helmet Corp.*, No. 2:17-CV-03129-JAD-EJY,  
13 2019 U.S. Dist. LEXIS 215343, at \*6-7 (D. Nev. Dec. 9, 2019) (same); *Canter &*  
14 *Assocs., LLC v. Teachscape, Inc.*, No. C 07-3225 RS, 2008 WL 191978, at \*1, n. 2  
15 (N.D. Cal. Jan. 22, 2008) (denying motion to compel and stating defendant  
16 challenging court’s subject matter jurisdiction was within its rights to object);  
17 *United States v. Dynamic Medical Systems, LLC*, No. 1:17-cv-01757-NONE-SAB,  
18 2020 U.S. Dist. LEXIS 99338, at \*3-4, 19 (granting defendant’s motion to stay  
19 discovery pending motion to dismiss); *PlayUp, Inc. v. Mintas*, 635 F. Supp 3d 1087  
20 (D. Nev. 2022) (“a personal jurisdiction challenge generally favors a stay of  
21 discovery”). Responding Party objects to this interrogatory to the extent that it  
22 seeks information that is protected from disclosure by the attorney-client privilege,  
23 work product doctrine, or any other applicable privilege or protection. Responding  
24 Party also objects to this interrogatory’s demand as being compound, overbroad,  
25 overly burdensome, and harassing, and as seeking documents that are not relevant to  
26 the claims or defenses in this action. Responding Party further objects to this  
27 interrogatory on the grounds that it is vague, overbroad and subjects Responding  
28 Party to unreasonable and undue burden and expense. Responding Party also

1 objects to this interrogatory on the grounds and to the extent that it seeks  
2 information that is not in the possession, custody or control of Responding Party  
3 and/or is equally or more readily available from another source which is more  
4 convenient, less burdensome, or less expensive. Responding Party objects to this  
5 interrogatory to the extent that it is unreasonably cumulative or duplicative of other  
6 requests for production. Responding Party objects to the interrogatory in its entirety  
7 and to each individual request therein, to the extent that it purports to require  
8 Responding Party to produce information that contain trade secrets of Responding  
9 Party, or other confidential business, financial, proprietary, or sensitive information  
10 of Responding Party or third parties without entry of a satisfactory confidentiality  
11 order. Responding Party objects that this interrogatory is vague and ambiguous,  
12 including in its use of the phrases “Your relationship with Elektron Energy”,  
13 “maintain”, and “maintained.” Responding Party further objects to this  
14 interrogatory on the grounds that Propounding Party has failed to comply with Cal.  
15 Civ. Proc. Code § 2019.210, which requires Propounding Party to identify with  
16 reasonable particularity the trade secrets it alleges that any defendant  
17 misappropriated before commencing discovery, as required by Section H of the  
18 Court’s Scheduling Order (Dkt. 95).

19  
20 Dated: March 17, 2025

BERGESON, LLP

21  
22  
23 By: 

Jaideep Venkatesan

24 Attorneys for Specially Appearing Defendant  
25 PROTON MANAGEMENT LTD.  
26  
27  
28



**CERTIFICATE OF SERVICE**


I, Emma Tofelogo-Fernandez, declare as follows:

I am an employee in Santa Clara County, the county in which the service described below occurs. My business address is 111 N. Market Street, Suite 600, San Jose, California 95113. I am over the age of eighteen (18) years and am not a party to the cause for which I am serving the document(s) named below.

I hereby certify that on March 17, 2025, I served the following document(s) described as **SPECIALY APPEARING DEFENDANT PROTON MANAGEMENT LTD'S RESPONSES AND OBJECTIONS TO PLAINTIFF'S FIRST TARGETED INTERROGATORIES** on the parties listed in the **SERVICE LIST** a true copy thereof and served via electronically as follows:

**BY E-MAIL OR ELECTRONIC TRANSMISSION:** I caused such document to be sent by other electronic means to the person(s) consented to in writing—in either of which events service is complete upon filing or sending. FRCP Title II, §5(b)(2)(E).

Executed on March 17, 2025, at San Jose, California.

  
\_\_\_\_\_  
Emma Tofelogo-Fernandez

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